

**KISSINGER N. SIBANDA Esq, Attorney at Law, *Pro Se***

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*Attorney for Plaintiff.*

**UNITED STATES DISTRICT COURT**  
**FOR THE SOUTHERN DISTRICT OF NEW YORK**

KISSINGER N. SIBANDA

*Plaintiff,*

v.

DAVID ELISON, DAVID BENIOFF, BILLY  
RAY, DARREN LEMKE, SKYDANCE  
PRODUCTIONS, LLC, a California Limited  
Company; and GEMINI PICTURES, LLC, a  
California Limited Liability Company.

*Defendants.*

**Case No: 1:23-CV-05752-JMF**

**REQUEST TO STRIKE:**

**FIRST AMENDED COMPLAINT, ECF: 6.**

**Application GRANTED. The Clerk of  
Court is directed to strike ECF No. 6  
and terminate ECF No. 8.**

**SO ORDERED.**



**July 11, 2023**

Hon. Judge Jesse Freeman:

This is a request from Plaintiff, Kissinger N. Sibanda, for the court to strike Docket No. 6 (First amended complaint) because complaint has not been operatively served pursuant to Rule Federal Rule of civil Procedure Rule 15 (1) (A). Plaintiff will upload and docket a new first amended complaint once the initial complaint is served pursuant to the aforementioned rule, which states:

(1) Amending as a Matter of Course. A party may amend its pleading **once as a matter of course** within:

(A) **21 days after serving it**, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

Plaintiff will upload the appropriate and procedurally accurate First Amended Complaint once the initial complaint is properly and legally served. My apologies for the oversight by my office.

Dated: 07/8/2023

LIVINGSTON, NJ

By: /s/Kissinger N. Sibanda

DR. KISSINGER N. SIBANDA ESQ

The Law Offices of Kissinger N. Sibanda

LL. B (Hons); LL.M (State / Trial); LL.M (Federal/ Trial)

Admitted: United States Supreme Court

Second Circuit

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*Pro Se Plaintiff*